

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

Rejection of claims 1-10 under 35 U.S.C. § 103(a)

Claims 1-10 presently stand rejected as unpatentable over Fann et al (U.S. 5,385,374) in view of Armstrong (U.S. 6,598,440). This rejection is respectfully traversed for the following reasons.

Claim 1 has been amended to more clearly define the present invention. Claim 1 recites a lock that includes an adaptor plate having at least one leg integrally formed on a peripheral edge of the adaptor plate. The leg extends a longitudinal length from the adaptor plate, and is formed by bending an end of the leg.

The leg extends a longitudinal length from the adaptor plate to define a space in which to accommodate door lock components. Additionally, the leg abuts against the rose liner such that an assembled relationship between the adaptor plate and the latch housing is maintained and ensured.

Fann does not disclose or suggest any leg member of an adaptor plate, or mounting plate, as the Examiner observes.

It is respectfully submitted that Armstrong too fails to disclose or suggest a leg member of the adaptor plate consistent with the claimed invention. Armstrong discloses a locking blade 60 having ramp portions 116, best seen in Fig. 10 of the Armstrong patent. The ramp portions 116 are said to facilitate engagement of the locking blade 60 with a mounting plate 24. The ramp portions 116 do not perform the function of the leg of the present invention. It is important to note that the ramp portions 116 of the locking blade 60 fail to provide a space for accommodating lock components, as required by claim 1 of the present invention. Therefore, it is respectfully submitted that the Examiner's identification of the ramp portions 116 as similar to the claimed leg of the adapter plate is incorrect.

Furthermore, the ramp portions 116 fail to suggest a leg that extends a longitudinal length from the adaptor plate, *and* is formed by bending an *end of the leg*.

To establish a prima facie case of obviousness, three basic criteria must be met. First, *there must be some suggestion or motivation*, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest *all the claim limitations*. MPEP 2143. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

In view of Fann's lack of a leg member extended from or integrally formed on a peripheral edge of an adapter plate, there is no basis for a suggestion or motivation to modify the mounting plate of the Fann device by the addition of a leg member by any teaching of the ramp portions 116 of the Armstrong lock to arrive at the presently claimed invention, in the absence of hindsight. Moreover, in view of Armstrong's lack of teaching or suggestion of a leg that extends a longitudinal length from the adaptor plate, *and* is formed by bending an *end of the leg*, even such a combination falls short of the requirement, for a proper prima facie basis for obviousness, to teach or suggest *all the claim limitations*.

It is respectfully submitted that, for at least these reasons, claim 1 is allowable over the cited references. Furthermore, because claims 2-10 each depend from claim 1, it is submitted that claims 2-10 are also allowable over the cited references. Therefore, the withdrawal of the rejection is respectfully requested.

#### New claim 11

New claim 11 has been added. It is respectfully submitted that claim 11 recites material which is novel and non-obvious in view of the prior art of record. Claim 11

depends from claim 1. It is respectfully submitted that claim 11 is fully patentable over the cited references.

Conclusion

Every effort has been made to place the application fully in condition for allowance, and to remove all issues raised by the Examiner in the Official Action.


In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1-11 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's attorney, the Examiner is invited to contact the undersigned at the numbers shown.

BACON & THOMAS, PLLC  
625 Slaters Lane, Fourth Floor  
Alexandria, Virginia 22314-1176  
Phone: (703) 683-0500

Date: October 11, 2005

Respectfully submitted,

  
J. ERNEST KENNEY  
Attorney for Applicant  
Registration No. 19,179